Memorandum

To:

Advisory Plan Commission

Cc:

Gregory J. Anderson, AICP

From:

Kevin M. Todd, AICP

Date:

2/14/2008

Re:

0712-REZ-06; Indiana Members Credit Union



At the request of the APC members present at the February 13, 2008 Pre-APC meeting, the following amendments to the IMCU packet have been made for your consideration at the February 19, 2008 APC meeting:

1. The Written Commitments (Exhibit 2, Section 3, F) have been amended to include the following language:

"That the Declaration of Protective Covenants and Restrictions, recorded with the Hamilton County Recorder's Office on August 30, 2006, are hereby incorporated."

- 2. The Permitted Uses (Exhibit 2, Exhibit C) have been amended to <u>remove</u> the following uses from the list:
 - a. Advertising and business signs, fabrication
 - b. Assembly Halls
 - c. Auction rooms
 - d. Billiard Parlor
 - e. Bowling Alley
 - f. Car Wash (Indoor)
 - g. Caskets and casket supplies (mortuary)
 - h. Cemetery monument sales
 - i. Commercial parking lots an structures, public
 - j. Embalming school

- k. Frozen food stores and lockers
- 1. Fruit Stands, Permanent
- m. Fruit Stands, Temporary
- n. Garden and lawn materials and supply stores
- o. General construction company
- p. Heliports
- q. Home remodeling company
- r. Home remodeling supplies and materials
- s. Insurance companies
- t. Newspaper publishing
- Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales
- v. Nurseries Plants, Retail
- w. Restaurants with Live Entertainment
- x. Roller & Ice Skating Rinks
- y. Tennis & Swim Clubs
- z. Tennis Facilities
- aa. Theaters Indoor
- bb. Tool and light equipment rental
- 3. The following modifications to specific uses in the permitted uses table (Exhibit 2, Exhibit C) have been made:
 - a. Auto rental (Maximum of six vehicles on-site)
 - b. Motorcycle Sales, Service, Repair and Outdoor Display

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Indiana Members Credit Union (the "Developer") or its Assigns, makes the following commitments to the Westfield City Council and Westfield-Washington Plan Commission (collectively, the "City") regarding the use and development of the following described real estate located in Hamilton County, Indiana:

Section 1. Description of Real Estate:

See attached Exhibit "A" (hereinafter, the "Real Estate").

Section 2. Docket No.: 0712-REZ-06

Section 3. Statement of Commitments:

A. Building Elevations and Facades.

- (1) All buildings constructed on the Real Estate shall include a minimum of eight (8) exterior corners per 6,000 square feet of gross floor area;
- (2) All buildings constructed on the Real Estate shall include similar roof lines and pitches as that of the Indiana Members Credit Union structure.

B. Pedestrian and Bicycle Facilities.

- (1) In order to provide for construction of the Midland Trace Trail (the "Trail"), the Developer shall take the following actions:
 - i. Dedicate to the City the portion of the Real Estate formerly part of the Central Indiana Railroad right-of-way (the "Trail Property");
 - ii. Provide the City with a certified survey of the Trail Property;
 - iii. Install (the "Installation Option"), or cause the installation of, the Trail on the Trail Property to the City's specifications and standards, as amended, OR pay (the "Payment Option") \$75 per linear foot to the City for the cost (the "Construction Costs") of constructing the portion of the Trail to be built on the Trail Property;
 - iv. If the Installation Option is selected, dedication of the Trail Property shall occur prior to approval of a Development Plan application on the Real Estate (as defined in WC 16.04.165) and the Trail shall be installed in coordination with the City's construction schedule for the Trail;
 - v. If the Payment Option is selected, payment of the Construction Costs and dedication of the Trail Property shall occur prior to the approval of a Development Plan application on the Real Estate (as defined in WC 16.04.165).

C. Site Amenities and Improvements.

(1) Crosswalks within paved parking areas and abutting internal drives shall be articulated by color or texture change;

- (2) One (1) bicycle parking space for 2,500 square feet of commercial space (office or retail) shall be provided on the Real Estate;
 - i. Bicycle parking shall be provided within six hundred (600) feet from the main entrance of the building served;
 - ii. Bicycle parking spaces shall include a fixed and permanent structure, frame, rack, or other permanent facility for locking and securing parked bicycles.

D. Site Access and Circulation.

- (1) An access easement traversing the property east to west shall be located south of the northern outlot, as depicted on the attached concept plan (Exhibit "B");
- (2) Such easement shall be recorded with the Hamilton County Recorder's Office prior to receiving a Certificate of Occupancy.

E. Permitted Uses.

(1) See attached Exhibit "C".

F. Covenants and Restrictions.

(1) That the Declaration of Protective Covenants and Restrictions, recorded with the Hamilton County Recorder's Office on August 30, 2006, are hereby incorporated (Exhibit "D").

Section 4. Binding Effect

- A. These commitments are binding upon the Developer, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.
- **B.** These commitments may be modified or terminated only by a majority decision of the Westfield City Council.

Section 5. Effective Date

The commitments contained herein shall be effective upon adoption of an ordinance by the City Council of Westfield, Indiana assigning the requested GB zoning district classification to the Real Estate identified in Docket No. 0712-REZ-06.

Section 6. Recording

The undersigned hereby authorizes the City to record these commitments in the Office of the Recorder of Hamilton County, Indiana.

Section 7. Enforcement

These commitments may be enforced by the City Council of Westfield, Indiana.

IN WITNESS WHE	REOF, Indiana Members Credit Union, has caus	sed this commitment
to be executed as of the	day of , 2008.	
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	By:	
	Indiana Members Credit Union	

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Zoning Districts All Inclusive Land Usage Chart		GB	
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Land Use	Permitted Uses	Special Exceptions	Permitted Home Occupations
Car Wash (Indoor)			
Carry out food and beverage business (excluding drive-in or drive-through services)			
Caskets and casket supplies (mortuary)			
Cemetary monument sales			
Cemetary monuments and tombstones manufacture (including engraving)			
Cemeteries			
Cemeteries - Pet	-		
Charitable Donation Pick-Up Station			
Charitable Institutions	•		
Child Care Home - in accordance with IC 36-7-4-1108			
China and Glassware Shops	•		
Christmas Tree Sales		•	
Churches	•		
Civic Centers	•		
Civic Clubs	•		_
Cluster homes			
Coal yards			
Coffee Roasting Coin Shops	_		
	•		
Coke manufacturing			
Commercial compositing facilities			
Commercial parking lots and structures, public			
Commissary, food catering service	•		
Concrete contractors - heavy commercial			
Concrete Mixing - Permanent			
Consumer Service Offices	•		
Convents, Monasteries, Theological Schools, Rectories and Parish Houses			
Crating and packaging service			
Credit Union Offices	•		
Creosote manufacturing and treatment			
Custard Stands	•		
Dancing Schools	•		
Data Processing	•		
Day Care Centers		•	
Day care facilities		•	
Delicatessen	•		
Dentists	•		
Department Stores - Over 10,000 Sq. Ft.	•		
Department Stores - Under 10,000 Sq. Ft.	•		
Discount Stores - Over 10,000 Sq. Ft.	•		
Discount Stores - Under 10,000 Sq. Ft.	•		
Distributors - inside storage			
Distributors - Outside Storage			
Dressmaking			
Drive-in food and beverages business	•		
Drug Stores	•		
Dry Cleaning & Laundry Pickup	•		
Educational Institutions Public and Private	•		
Electrical contractors - heavy commercial	-		
	•		
Electrical supply store	-		
Embalming school			
Employment Agencies	•		
Engineering and Research Labs			
Exhibition Halls			
Explosive, matches and fireworks manufacturing			

Zoning Districts All Inclusive Land Usage Chart		GB		
		ons	m	
(and O a	Jses	Special Exceptions	Permitted Home Occupations	
Land Use	tted (Ä	tted F	
	Permitted Uses	peci	ermik	
Exterminators	•	S	<u>a</u> 0	
Fabric Shops	•			
Farm implement sales and service				
Farms and Farm Bldgs for Livestock and Crops				
Fat rendering and fertilizer manufacturing				
Feed stores				
Financial institutions	•			
Fire Stations	•			
Floor Coverings	•			
Florists	•			
Foundries				
Four-unit single family attached dwellings				
Fraternities and Lodges		•		
Frozen food stores and lockers				
Fruit Stands, Permanent				
Fruit stands, temporary				
Furniture Stores	•			
Furrier Shops	•			
Galleries	•			
Garden and lawn materials and supply stores				
Gasoline service stations				
General business and professional offices	•			
General construction company				
Gift Shops	•			
Glass fabrication and installation				
Glue manufacturing				
Golf Courses				
Golf Courses, Country Clubs				
Government offices - universities	•			
Granaries, Grain Processing, Starch Manufacturing				
Greenhouses, Retail				
Grocery Stores	•			
Hardware Stores	•			
Hazardous waste facility				
Health, Fitness, and Exercise Center	•			
Heliports				
Hobby Shops	•			
Home Garage Sales not to exceed 7 days per year				
Home remodeling company				
Home remodeling supplies and materials				
Homebound Schools for 12 or less children inclusive of residents				
Hospices				
Hospitals (minor), medical and dental clinics and labs	•			
Hospitals, Major			-	
Ice and coal stations				
Industrial laundry and dry cleaning plants				
Industrial schools & training facilities				
Insurance companies				
Insurance Offices	•			
Interior Decorating	•			
Jewelry Stores	•			
Kennels				
Kennels - Including Outdoor Runs				
Lake Developments - Recreational				
Language Schools	•			
Tanganga Concord	-			

Zoning Districts All Inclusive Land Usage Chart		GB	
Land Use	Permitted Uses	Special Exceptions	Permitted Home Occupations
Large Animal Hospitals	Δ.	S	<u> </u>
Laundromats and Self-Service Dry Cleaning	•		
Lawyers	•		
Leather curing and tanning			
Leather products manufactured from finished leather			
Libraries	•		
Liqour Stores			
Liqour stores and taverns			
Livestock Auction Sale Barns			
Loan Offices	•		
Locksmith shops	•		
Luggage Stores	•		
Lumber yards - including millwork			
Machine, Welding, Tool and Die Shops			
Mail Order Store	•		
Major Appliance Store	•		
Malt products, brewery, distiller of liquor and spirits			
Manufactured home parks (in accordance with provision of WC 16.04.090)			_
Manufacturing of cement, lime and gypsum			
Manufacturing of chemicals and gasses			
Manufacturing of detergents and soaps			
Manufacturing representatives offices			
Material recycling facilities (MRFs)			
Mattress Mfg. & Upholstering			
Medical or veterinarian offices	•		
Mfg. & Assembly of Communication Equipment			
Mfg. & Assembly of Major Household Appliances			
Mfg. & Assembly of Marine Equipment			
Mfg. & Assembly of Office Equipment			
Mfg. of Boiler Tanks			
Mfg. of Cabinets			
Mfg. of Cans and Containers			
Mfg. of chemicals and gases			
Mfg. of Cloth Products from Finished Cloth			
Mfg. of explosives, matches and fireworks			
Mfg. of Furniture			
Mfg. of Glass & Glass Products			
Mfg. of glue			
Mfg. of Jewelry, with Retail	•		
Mfg. of Jewelry, without Retail			
Mfg. of Musical Instruments			
Mfg. of Non-Alcoholic Beverages			
Mfg. of Office Machinery			
Mfg. of Optical Goods			
Mfg. of Paper Boxes and Paper Products From Finished Paper			
Mfg. of Portable Household Appliances, Electric Hand Tools, etc.			
Mfg. of Ragardian Instrument, Repair and Service			
Mfg. of Recording Instruments, Phonograph Records, etc.			
Mfg. Tools, Implements, Machinery			
Milk Processing, Bottling & Mfg. of Milk Products	_		
Millinery	•		
Miniature Golf, Archery, Driving Range, Trampoline Centers			
Moble home parks - in accordance with the provisions of WC 16.04.090			
Mobile home sales			
Model display homes and garages			_

4 of 7

Zoning Districts All Inclusive Land Usage Chart		GB	
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Land Use	Permitted Uses	Special Exceptions	Permitted Home Occupations
Mortuaries			
Motor Truck Terminals			
Motorcycle Sales, Service and Repair	•		
Multi-family housing			-
Multi-family housing (2 units or more with MF1 standards)			
Multi-family housing (3 units or more with MF1 standards)			
Municipal or government buildings	•		
Museums	•		
Music Schools	•		
Music, Records, Instruments	•		
Newspaper distribution station	•		
Newspaper publishing			
Night clubs, bars and restaurants which have less than 50% of their proposed gross sales derived from food sales			
Nurseries - Plants, Retail			
Nurseries, Greenhouses, Truck Gardens, Farms or related products produced and sold on-site			
Nursing Homes			
Office building - general purpose	•		
	_		
Office/warehouse buildings			
Oil processing, refining and manufacturing			
Open hearths and blast furnaces	_		
Optometrists	•		
Outdoor Advertising Signs, Mfg. and Construction			
Outdoor theatures			
Paint and Wallpaper Stores	•		
Painting and decorating contractors - heavy commercial			
Personal Motor Vehicle Sales not to exceed 2 / year			
Pet Grooming	•		
Pet Obedience Schools	•		
Pet Shops	•		
Pharmaceutical, Medicine, & Cosmetic Mfg.			
Philanthropic Institutions			
Photography School	•		
Photography Studio	•		
Photography Supplies	•		
Physicians	•		-
Picture Framing	•		
Plumbing contractors - heavy commercial			
Plumbing showrooms and shop	•		
Police stations	•		
Post offices	•		
Printing and Photocopying, Small Jobs	•		
Private Clubs, Lodges			
Production of Concrete Blocks, Shapes, Cinder Blocks, etc.			
Production of emulsified asphalt and preparation of asphaltic concrete paving materials			
Professional and technical schools	•		
Professional Office of Clergyman, lawyer, architect, accountant, or counselor			
Public and Private Camps			
Public or Private Schools	•		
Public or Private Schools Public or Private Schools with Dormitories	-		
Public Parks			
Public Parks			
Radio and TV service	•		
Radio, Facsimile, TV, Micro-Wave Towers			
Railroad and other mass transit right of way and track			
Raising Animals for biological purposes			

Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use	Permitted Uses	Special Exceptions	Permitted Home Occupations	
Raising animals for furs and pets				
Raising Animalss for furs or pets				
Raising small		-		
Real estate offices	•			
Recycling collector system				
Reduction plants				
Repairing, Servicing or Refurbishing equipment or parts, exculding motor vehicles				
Residential Facility for the Mentally III in accordance with IC 12-28-4-7				
Restaurants - drive-in and carry out food and beverage stores				
Restaurants and Cafeterias Having Less Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins				
Restaurants and Cafeterias Having More Than 50% of Gross Sales Derived From Food Sales Excluding Drive-Ins	•			
Restaurants With Live Entertainment				
Riding Academies				
Riding Stables				
Rock crushing, grinding or milling				
Roller & Ice Skating Rinks				
		_		
Roofing contractors - heavy commercial Root Beer Stands	•			
	-			
Salt storage outside		_		
Sand, gravel, or aggregate processing				
Sanitariums				
Schools - Public or Private - without dormitory accommodations				
Schools and Kindergartens	•			
Scrap metal, junk or salvage storage				
Secondary Food Processing and Packaging & (Initially Processed off the Premises)				
Self service food and beverage business				
Self-Service Car Wash				
Semi-Automatic Car Wash			1	
Septic system contractors				
Sewing Machine Sales & Service	•			
Sheet metal contractors - heavy commercial				
Shoe Repair	•			
Shoe Stores	•			
Signs as permitted by Ordinance				
Single Family Dwellings				
Single Family Dwellings on Large Lots				
Single Family with minimum SF4 standards				
Slaughter house				
Slaughtering and allied food processing				
Sporting Goods	•			
Stables (3 acres or more in size)				
Stamping & Fabricating Metal Shops				
Stationery Stores	•			
Stockyards - for shipping, holding and sale of animals	-			
	_			
Storage and transfer (household goods)				
Storm doors, windows, awnings, siding contractors - manufacture				
Structural Steel Fabricating				
Tar, tar paper products - manufacture and processing				
Taverns		•		
Taxidermist				
Taylor or Seamstress	•			
Teaching - Such as musical instruments or dancing				
Temporary buildings for construction purposes				
Tennis & Swim Clubs				
Tennis and swimming clubs				

Zoning Districts All Inclusive Land Usage Chart		GB		
Land Use	Permitted Uses	Special Exceptions	Permitted Home Occupations	
Tennis Facilities				
Testing laboratories				
Theaters - Indoor				
Thermal, electric, steam and atomic power plants				
Three-unit single family attached dwellings				
Tire and auto service center	•			
Tire recapping				
Tobacco Shops	•			
Tool and light equipment rental				
Toy Stores	•			
Trailer Rentals				
Travel Bureaus	•			
Travel Trailer Sales & Rentals				
Truck cleaning, service, rental and repair				
Truck companies				
Two-unit single family attached dwellings				
Typewriter Sales, Rental and Service	•			
Typing or other office services				
Upholsters	•			
Utilities - Not Regulated by Indiana Utility Regulatory Commission				
Utilities (as regulated by IURCor Westfield)				
Utilities-Regulated by Indiana Utility Regulatory Commission				
Veterinarians - Small Animals, No Outdoor Runs	•			
Warehouse - inside storage				
Warehousing & Distribution Operations (Outside Storage)				
Wearing Apparel & Accessory Shops				
Well Drilling				
Wholesalers - inside storage				
Wireless communication service facilities (including cell towers)				
Zoos				
		119		
		62%		